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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
February 3, 2009**

**Present:** Commissioners Lythgoe, Weber and Kirsch; Ed Krasinski, Victim/Witness Advocate; Corey Biggers and Greg Beardslee, Montana Mountain Bike Alliance; Kerry White, Citizen for Balanced Use

**MINUTES**

Commissioner Weber moved to approve the minutes of January 20, 2009. Commissioner Kirsch seconded. The motion carried.

**REPORTS**

Commissioner Lythgoe noted the receipt of 2008 Federal Forest Reserve payment.

Commissioner Lythgoe noted the receipt of budget amendments and transfers from the Clerk and Recorder.

**CALENDAR REVIEW**

- 2/4 Meeting with David Roskelley at Montana City Ranches - 7:30  
Montana Weed Control Association Meeting - Butte - 8:00  
Meeting with Tammy Johnson - 9:00
- 2/5 Meeting with Buster Bullock and Great West Engineering - 8:30  
Meeting regarding Road Standards - 9:00  
Economic Outlook Summit - Butte - 11:00
- 2/6 Meeting at Extension Office - Whitehall - 8:30
- 2/9 - 2/12 MACo Mid-Winter Conference - Helena

**COMMISSION REPORTS**

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### WHITEHALL WIND PROJECT

Commissioner Weber reported that he met on the 28<sup>th</sup> with Tom Harrington, Tara Mastel and a representative person from Northwest Seed regarding the possibility of obtaining grant funding for the wind project.

### WHITEHALL COMMUNITY DEVELOPMENT BOARD

Commissioner Weber reported that the evening of the 28<sup>th</sup>, the Whitehall Community Development Board met. There was a lot of concern regarding the growth policy that is being developed for the town of Whitehall. There was some concern that it is not a complete document. They found at the meeting that the document they have is not the complete document, but just phase 1.

### ROAD STRATEGY MEETING

Commissioner Weber reported on a road strategy meeting with the County Attorney, Dennis Owens and Tammy Johnson. Tammy has been doing a lot of research on road status and she was given a list of roads to concentrate her research on.

### HEADWATERS RC&D

Commissioner Weber reported on conference call with Headwaters on the 29<sup>th</sup>. Headwaters has voted to hire a CEO. The call was to deal with issues related to developing a position description for that position.

### COORDINATION WITH BLM

Commissioner Weber reported that the Commission met with Rick Hotaling with the BLM on 29<sup>th</sup> regarding coordination between the County and the BLM. They have pursued this with other federal agencies, and they looking forward to developing a MOU with these agencies.

### CLANCY LIBRARY SUBCOMMITTEE

Commissioner Weber reported that he met with the Clancy library subcommittee that night. They are working to identify the needs of the north end of the county in regards to library services. Several options are being pursued, leaving the library in Clancy, moving it to Montana City or having one in each area. Commissioner Lythgoe said that at one point, when he first entered office, there was discussion with the Lewis & Clark library regarding allowing Jefferson County residents use of their library. Commissioner Weber responded that this has been discussed. The Lewis and Clark Library was fine with Jefferson County residents using the library, but they were charging residents \$75 per card to do so. There has since been a change of staff at the library, and they are much more receptive with pooling resources. The two library boards have been in contact, and they are more receptive to working together.

### WHITEHALL PLANNING BOARD

Commissioner Weber reported that he attended the Whitehall Town Planning Board meeting on the 2<sup>nd</sup>. He encouraged the planning board to encourage the Town Council to do some joint planning with the County. Whitehall is experiencing quite a bit of growth, and they should be working together to plan for the future.

### HELENA CHAMBER OF COMMERCE

Commissioner Kirsch reported that he attended the Helena Chamber of Commerce meeting. He learned quite a bit.

## **CORRESPONDENCE**

Notice Hard Rock Counties bill to be held at 3:00 the following day. Commissioner Weber will attend.

An appropriations request form was received from Maren Olsen of Denny Rehberg's office.

Commissioner Lythgoe noted the receipt of a letter outlining the second draw from Intercap for the Big Dipper RSID/RMD.

Commissioner Lythgoe stated that the Department of Commerce is getting ready for the next census, and he would like to assign someone as a contact person. Commissioner Weber stated that Melissa Morris has been dealing with this.

Commissioner Lythgoe noted receipt of an e-mail from NACo calling for support of HR 1. They are asking that we call our congressman and urge to vote yes on stimulus package. We might want to discuss if we are supportive of this or not.

Commissioner Lythgoe note receipt of a letter from Don Kronenberger, a newly elected official in Butte-Silver Bow. Don is asking the Jefferson County Commission to come testify at their hearing on the 18<sup>th</sup>. Commissioner Weber said that he will be attending.

A letter was received from the Flathead County Attorney stating that their juvenile detention center has space available if needed.

Task order 35 regarding Forest Park Estates RSID/RMD was received from Great West Engineering. The task order was signed and will be returned.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **PRESENTATION ON COMPANION LAND DESIGNATION FOR LION HEAD AREA**

Corey Biggers, Montana Mountain Bike Alliance, said that they are meeting with local governments to gain support for this protection area. The National Protection Area (NPA) designation would be distinct from a wilderness designation, and would protect 23,000 acres of the Gallatin National Forest and 16,000 acres of Idaho's Targhee National Forest while allowing existing uses to continue. Corey said that traditional uses of the Lionhead are hiking, bicycling, pack and saddle, hunting and fishing, backcountry skiing and snowmobiling. They feel that the area deserves protection, but attempts to have it declared a Wilderness Area have failed several times. The NPA requires congressional designation. The Lionhead proposal would not allow road building, new structures or resource extraction, and would permit preventative fuels treatment, grazing and continued water rights.

Corey went through a Power Point presentation to explain what they are requesting. He stated that other user groups are also involved, such as the Blue Ribbon Coalition, Citizens for Balanced Use, snowmobilers, and cross country skiers. The only ones that aren't involved are the Montana Wilderness Association and the Greater Yellowstone Coalition, although they were the first two user groups asked to help with this. Commissioner Weber said that they wanted to stay with the wilderness designation, and asked if this is correct. Corey said that this is correct.

He noted that the Greater Yellowstone Coalition has said that they will be taking a neutral stance – won't support, but won't oppose either. Corey stated that they tried to be very careful on the Montana side to leave areas of harvestable timber out of the boundary, as well as any roads.

Corey stated that what prompted was that the Forest Service wanted to close four trails to bicycles, although not motorcycles. Commissioner Weber asked about snowmobile use – with the prohibition of snowmobiles in the park, are these trails getting more use and picking up the slack. Corey said that he isn't sure if they are picking up the slack, but you can certainly see the use. He is sure that when people come to Yellowstone unsure if they can ride in the park, they are using Two Top, Lionhead and Island Park way more. Being up there in the summer, you don't see any degradation from snowmobiles.

Corey then showed the Commissioners some pictures of the area, summer and winter. He stated that if the Forest Service closed trail 214 to them, there would be six miles of the Continental Divide Trail closed in Montana to stop them from doing a 30-mile bike ride. He noted that the Continental Divide Trail was built in 1995, specifically as a bike trail. He presented some pictures of the trail.

Commissioner Lythgoe asked why Idaho wouldn't be as interested in participating. Corey said that trying to organize bikers is somewhat like herding cats; Idaho is the same way. Also, the Idaho side is in a different Forest Service area, which has a totally different philosophy regarding bikes. They aren't as threatened with losing their access.

Corey then went on to explain what a NPA is. A National Protection Area is a congressional companion designation for wilderness that permanently protects the resource while allowing on the ground management. The reason for this NPA is to permanently protect the resource from future development to preserve historical recreational uses and travel by hikers, equestrians, bicyclists and snowmobilers. The NPA allows mechanized trail maintenance, mechanized fire suppression, bicycles, and provides provisions for special use areas to allow over the snow vehicles in specific time periods. It does not allow new roads, permanent structures, development, and the lands cannot be traded to private ownership. Also, this NPA does not affect grazing rights. Corey stated that the NPA will accomplish environmentally and socially responsible permanent protection of the resource, environmentally responsible and appropriate access for the common good of user groups and a finality that will bring with it a more relaxed and friendly atmosphere for all trail users.

They are using this approach because these trails have had historical bicycle use for more than a decade and in some cases bicycles have used these trails since they were built. Forty-two percent of the Gallatin National Forest is already set aside with a Wilderness designation where only horses and hikers are allowed. This would preserve the wilderness characteristics while allowing a broader group of users. They feel that the NPA is appropriate for the Lionhead area because there are 3,509,444 acres of Wilderness and a National Park in close proximity, bicycles are not allowed on back county trails in those 3,509,333 acres, and sharing and preserving approximately 38,000 acres is the right thing to do.

Commissioner Kirsch asked if there were grazing permits up there at one time. Corey stated that there have been, but he is not sure about now. However, the NPA will not affect them.

Commissioner Weber stated that they as a Commission have taken a pretty strong stance to maintain access. He finds it amazing that it gets to the point where bikers are met with people holding signs protesting. He asked who the main groups are that are protesting. Corey stated that this happened in Lima Peaks, where bikers were met by protesters from Missoula. He doesn't know what group they belong to, but they think that they were sent down there by Montanas for Quiet Recreation, but that is purely speculation. Who would oppose Lionhead is MWA; they think that MMBA is out of control; they don't think they should be riding bikes on those trails. Commissioner Weber drew attention back to a letter from Madison County expressing their support of this.

Corey also presented a fact sheet on active outdoor recreation and how it affects the economy and local communities in Montana.

Kerry White, Citizens for Balanced Use, stated that when Corey came to them about this, he felt that it was a great idea. Even though motorized users don't have anything in this fight, they support this wholeheartedly. He stated that he has read in the papers that Jefferson County is initiating talks with the Forest Service and BLM about coordination and he is happy to see that they are taking this direction.

Commissioner Weber asked what they would like from the Commission. Corey said that they would like written support for what they are trying to achieve. Commissioner Weber said that his belief that we need to bring our reasonable voices together and stand together on litigation. He then asked that they be willing to stand with Jefferson County, even if it has nothing to do with biking. Corey said that they are on the same page; if it is the right thing to do, it is the right thing to do.

Commissioner Lythgoe said that we will have to agendize to make a decision on Commission support. He would like Corey to draft a letter and send it to us, that we could put on our letterhead if we vote to support.

#### SIGN VICTIM/VITNESS GRANT APPLICATION

Ed Krasinski said that he is applying again for the Victim of Crime Act grant. Commissioner Lythgoe said that this is pretty much housekeeping as far as he is concerned. The grant application was signed. Ed said that he will get a copy of the grant application to the Commission when it is submitted.

#### APPOINT BOARD MEMBERS

Commissioner Kirsch moved to appoint Joan VanDuynhoven to the Basin TV Board. Commissioner Weber seconded. The motion carried.

Jim Culbert was recommended for appointment to fill vacancy left by Nancy Owens on the Basin Water and Sewer Board. Commissioner Kirsch moved to appoint. Commissioner Lythgoe seconded. The motion carried.

Commissioner Kirsch moved to reappoint Susan Haran to the Fair Board. Commissioner

Lythgoe seconded. The motion carried.

Commissioner Kirsch moved to reappoint Julie Forbes to the Fair Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to reappoint Ray Barnicoat to the Health Board. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to reappoint Gene Compton to the Boulder Valley Mosquito Board. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to reappoint Kay Ann Davis to the Whitehall Mosquito Board. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe moved to reappoint Sheila Hogan to the Museum Board. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe moved to reappoint Terry Sologub, Lori Young, Joann Samson and Karen Davidson to the Planning Board. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to reappoint Ray Barnicoat to the Solid Waste Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to reappoint Diane James Flowers to the Tax Appeal Board. Commissioner Kirsch seconded. The motion carried.

Commissioner Kirsch moved to reappoint Casey Klepzig to the Weed Board. Commissioner Weber seconded. The motion carried.

#### CANCEL MEETING OF February 10

Commissioner Lythgoe moved to cancel the meeting due to their attendance at the MACo Mid-Winter Conference. Commissioner Weber seconded. The motion carried.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Commissioner Lythgoe said that the Commission had previously given the road department authorization to purchase a truck this year. They are looking for a grader and a truck and pup combo. Keith Vetsch has been doing some shopping around, and found Corey's business - Rocky Mountain Truck Center in Belgrade. Corey said that Jefferson County has gotten a couple trucks from him. He stated that we are in a vocational down-turn, and Daimler-Chrysler has a dealer website where repossessions come up for auction, and he has been watching for trucks. There is a truck that is coming up for auction in two days, which should go for between \$35,000 and \$50,000. Corey said that they have had really good luck with equipment from this website. Commissioner Lythgoe said that he knows that Corey has talked to Keith quite a bit over the last

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several months. He asked if this truck is bigger than what he thought we should have. Corey said that he isn't sure. Keith indicated that some want a 14-foot box and some a 16-foot box. This truck has a 16 foot box. Corey said that he feels that these trucks are going for \$.40 to \$.50 on the dollar right now. Commissioner Lythgoe said that for discussion purposes, this would be a great haul truck, but might be a bit big for maneuvering on some of our roads. Corey said that they would be surprised at the wheel cut on this truck.

Commissioner Weber asked if this is just the truck, not a pup. Corey said that he has one available that he got on trade from Yellowstone County. Commissioner Lythgoe said that he will be talking to Keith about this.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded.

## **MEETING ADJOURNED**

### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**